

ADOPTED

JUNE 10, 1993

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY and
PAUL BARRETT, DIRECTOR

FROM: THOMAS O'MALLEY, ASSISTANT DIRECTOR
MARIA FARIA, DEPUTY DIRECTOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: SOUTH END URBAN RENEWAL AREA, ORDER OF TAKING FOR
DISCONTINUED MONTGOMERY STREET BETWEEN CLARENDON AND
TREMONT STREETS

SUMMARY: This memorandum requests that the Boston Redevelopment
Authority execute an Order of Taking for a portion of
Montgomery Street in the South End Urban Renewal Area
for inclusion in lease with Boston Center for the Arts

Under a separate memorandum submitted this day, the Authority will vote to amend the existing lease with Boston Center for the Arts to include a portion of Montgomery Street between Clarendon and Tremont Streets containing 10,074 square feet which is to be discontinued as a street and is currently being used as a park.

In order to lease this property with a proper legal description and to perfect title, it is necessary at this time to do an Order of Taking that does not involve any award of damages.

Therefore, it is requested that the BRA adopt the appropriate order of taking for that portion of Montgomery Street being discontinued as a public way.

An appropriate vote follows:

VOTED: That the Boston Redevelopment Authority execute an Order of Taking for that portion of Montgomery Street between Clarendon and Tremont Streets in the South End Urban Renewal Area shown on a Discontinuance Plan of the City of Boston Public Works Department.



DOC # 5578

ADOPTED

6/10/93

Recorded June 24th,
1993

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of taking dated *JUNE 10, 1993* relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed and made a permanent part of these proceedings, copies of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST:

Joseph J. Ziska
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, and Order of Taking, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof;

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s. 40; and

NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including any trees, buildings and other structures standing upon or affixed thereto and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent

to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provision of the said Chapter 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner of owners and all other persons, including all mortgagees of record, having any and all interest in the parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award (awarded in ANNEX B) at all times prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

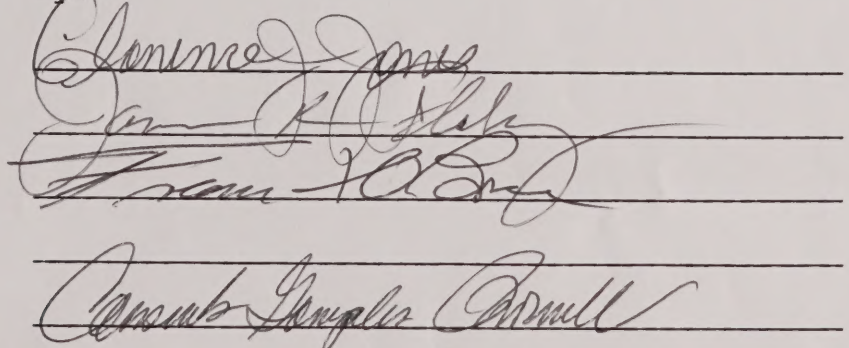
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

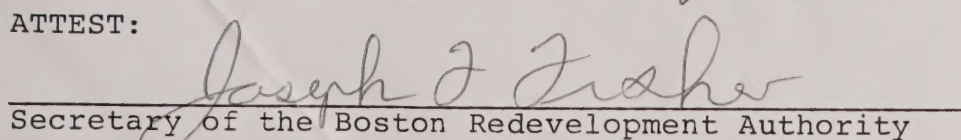
DATED:

BOSTON REDEVELOPMENT AUTHORITY

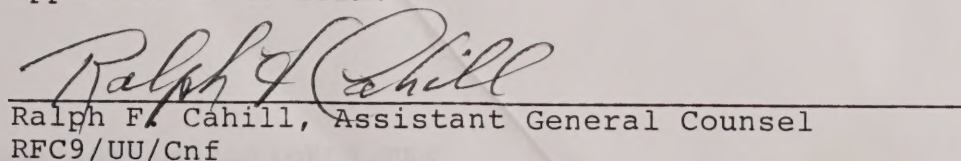
By:



ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to form:


Ralph F. Cahill, Assistant General Counsel
RFC9/UU/Cnf

ANNEX A
BOSTON REDEVELOPMENT AUTHORITY
SOUTH END URBAN RENEWAL AREA
TAKING AREA DESCRIPTION

The following parcel of land is taken by this Order of Taking:

That parcel of land with buildings thereon now or formerly known as Montgomery Street located between Clarendon and Tremont Streets in the South End Urban Renewal Area containing approximately 10,074 square feet shown on a plan entitled "CITY OF BOSTON PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION DISCONTINUANCE PLAN MONTGOMERY STREET AND CITY OF BOSTON LAND" dated 1989 and on file at the City of Boston, Public Works Department and to be recorded at the Suffolk Registry of Deeds with the discontinuance of Montgomery Street.

The owner of the parcel of land hereby taken is the City of Boston.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

AWARD OF DAMAGES

An award of One Dollar (\$1.00) is made with this Order of Taking.

